

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

JEFFREY DESKOVIC,

Plaintiff,

vs.

CITY OF PEEKSKILL, PUTNAM COUNTY,
WESTCHESTER COUNTY, DAVID LEVINE,
THOMAS MCINTYRE, WALTER BROVARSKI,
EUGENE TUMOLO, JOHN AND JANE DOE
SUPERVISORS, DANIEL STEPHENS, LOUIS
ROH, MILLARD HYLAND, PETER INSERO, and
LEGAL AID SOCIETY OF WESTCHESTER
COUNTY,

Defendants.

LINDA MCGARR,

Plaintiff,

vs.

CITY OF PEEKSKILL, WESTCHESTER
COUNTY, DAVID LEVINE, THOMAS
MCINTYRE, WALTER BROVARSKI, EUGENE
TUMOLO, JOHN AND JANE DOE
SUPERVISORS, DANIEL STEPHENS, LOUIS
ROH, AND MILLARD HYLAND,

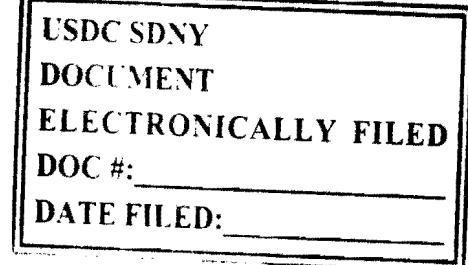
Defendants.

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Index No. CV-07-8150 (KMK)(GAY)

**STIPULATION AND ORDER OF
DISMISSAL WITH PREJUDICE
AS TO
UNDERWRITERS AT LLOYD'S,
LONDON; CX REINSURANCE
COMPANY LIMITED as successor-in-
interest to CNA INTERNATIONAL
REINSURANCE COMPANY; CX
REINSURANCE COMPANY LIMITED as
successor-in-interest to CNA
REINSURANCE OF LONDON,
LIMITED; SPHERE DRAKE
INSURANCE PLC; ILLINOIS UNION
INSURANCE COMPANY; UNITED
NATIONAL INSURANCE COMPANY;
HARCO NATIONAL INSURANCE
COMPANY; and AMERICAN ZURICH
INSURANCE COMPANY
REGARDING
PEEKSKILL'S THIRD-PARTY ACTIONS
IN BOTH THE DESKOVIC AND
MCGARR ACTIONS**

Index No. CV-07-9488 (KMK)(GAY)



Caption continued from previous page

CITY OF PEEKSKILL,

Third-Party Plaintiff,

vs.

WESTPORT INSURANCE CORPORATION as successor-in-interest to NORTH RIVER INSURANCE COMPANY, WESTPORT INSURANCE CORPORATION as a successor-in-interest to INTERNATIONAL INSURANCE COMPANY, UNDERWRITERS AT LLOYD'S, LONDON, CX REINSURANCE COMPANY LIMITED as successor-in-interest to CNA INTERNATIONAL REINSURANCE COMPANY, CX REINSURANCE COMPANY LIMITED as successor-in-interest to CNA REINSURANCE OF LONDON, LIMITED, SPHERE DRAKE INSURANCE PLC, ILLINOIS UNION INSURANCE COMPANY, UNITED NATIONAL INSURANCE COMPANY, TRAVELERS INDEMNITY COMPANY as successor-in-interest to GULF INSURANCE COMPANY, AMERICAN MOTORISTS INSURANCE COMPANY as successor-in-interest to AMERICAN PROTECTION INSURANCE COMPANY, AMERICAN MOTORISTS INSURANCE COMPANY as successor-in-interest to SPECIALTY NATIONAL INSURANCE COMPANY, HARCO NATIONAL INSURANCE COMPANY, and AMERICAN ZURICH INSURANCE COMPANY

Third-Party Defendants.

WHEREAS, Third-Party Plaintiff City of Peekskill (“Plaintiff” or “Peekskill”) has asserted claims against the following Third Party Defendants in the above-captioned Third-Party Actions filed in both *Deskovic v. City of Peekskill, et al.*, No. 07-CV-8150 (the “*Deskovic Action*”) and *McGarr v. City of Peekskill, et al.*, No. 07-CV-9488 (the “*McGarr Action*”):

- UNDERWRITERS AT LLOYD’S, LONDON;
- CX REINSURANCE COMPANY LIMITED as successor-in-interest to CNA INTERNATIONAL REINSURANCE COMPANY;
- CX REINSURANCE COMPANY LIMITED as successor-in-interest to CNA REINSURANCE OF LONDON, LIMITED;
- SPHERE DRAKE INSURANCE PLC;
- ILLINOIS UNION INSURANCE COMPANY;
- UNITED NATIONAL INSURANCE COMPANY;
- HARCO NATIONAL INSURANCE COMPANY; and
- AMERICAN ZURICH INSURANCE COMPANY

(collectively, the “Undersigned Third-Party Defendants”).

WHEREAS, the undersigned parties hereby give notice that the above-captioned Third-Party Actions filed in both the *Deskovic* and *McGarr* Actions have been settled pursuant to a settlement agreement between the undersigned parties and is voluntarily dismissed, with prejudice, against the Undersigned Third-Party Defendants.

WHEREAS, the above-captioned Third-Party Actions filed in both the *Deskovic* and *McGarr* Actions against the remaining Third-Party Defendants have or will be dismissed with or without prejudice by separate stipulations so that the Third-Party Actions filed in both the *Deskovic* and *McGarr* Actions will each be dismissed in their entirety.

WHEREAS, Peekskill and the Undersigned Third-Party Defendants seek to reduce the expense and burden of litigation to themselves, to the other parties in this action, and to the Court.

NOW, THEREFORE, in consideration of this Stipulation of Dismissal With Prejudice, Peekskill and the Undersigned Third-Party Defendants, by and through their respective counsel of record, hereby mutually agree to the following:

STIPULATION OF DISMISSAL WITH PREJUDICE

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned parties that all claims are dismissed with prejudice as against the Undersigned Third-Party Defendants pursuant to Federal Rule of Civil Procedure 41 and court order.

IT IS FURTHER STIPULATED AND AGREED, that each undersigned party shall bear its own costs and attorneys' fees.

IT IS FURTHER STIPULATED AND AGREED, that this Stipulation may be signed in counterparts with all counterparts together constituting one complete Stipulation and that signatures received by facsimile or e-mail shall be deemed an original for purposes of this Stipulation.

[signatures pages to follow]

Dated: January 21, 2013

HINKHOUSE WILLIAMS
WALSH LLP

By:

Patrick T. Walsh/JW
PATRICK T. WALSH
BRADLEY KLEIN
180 NORTH STETSON AVENUE
SUITE 3400
CHICAGO, ILLINOIS 60601
TEL: (312) 784-5400

**ATTORNEYS FOR THIRD-PARTY
DEFENDANTS CERTAIN
UNDERWRITERS AT LLOYD'S,
LONDON; CX REINSURANCE
COMPANY LIMITED AS SUCCESSOR-
IN-INTEREST TO CNA
INTERNATIONAL REINSURANCE
COMPANY; CX REINSURANCE
COMPANY LIMITED AS SUCCESSOR-
IN-INTEREST TO CNA REINSURANCE
OF LONDON, LIMITED;
RIVERSTONE (UK) LIMITED, AS
SUCCESSOR-IN-INTEREST TO SPHERE
DRAKE INSURANCE LIMITED
(FORMERLY KNOWN AS SPHERE
DRAKE INSURANCE PLC); AND
UNITED NATIONAL INSURANCE
COMPANY (AS TO POLICY NUMBERS
CP62686; CPD62686; CP62831; AND
CPD62831 ONLY)**

Dated: January 24, 2013

ANDERSON KILL P.C.

By:

Steven J. Pudell/JW
WILLIAM G. PASSANANTE
STEVEN J. PUDELL
1251 AVENUE OF THE AMERICAS
NEW YORK, NEW YORK 10020
TEL: (212) 278-1000

**ATTORNEYS FOR THIRD-PARTY
PLAINTIFF CITY OF PEEKSKILL**

Dated: January 21, 2013

By: *Catalina Sugayan /mr*
SEDOWICK LLP
CATALINA SUGAYAN
ONE NORTH WACKER DRIVE
SUITE 4200
CHICAGO, IL 60606-2841
Tel: (312) 641-9050

**ATTORNEYS FOR THIRD-PARTY
DEFENDANT UNITED NATIONAL
INSURANCE COMPANY**

Dated: January 21, 2013

By: *Janet P. Ford /mr*
WHITFLEISCHNER & FINO, LLP
JANET P. FORD, ESQ.
61 BROADWAY, 18TH FLOOR
NEW YORK, NEW YORK 10006
TEL: (212) 487-9700

**ATTORNEYS FOR THIRD-PARTY
DEFENDANT HARCO NATIONAL
INSURANCE COMPANY**

Dated: January 21, 2014

By: *Robert J. Kelly /mr*
COUGHLIN DUFFY LLP
Robert J. Kelly, Esq.
Christopher O'Leary
Wall Street Plaza
88 Pine Street, 28th Floor
New York, NY 10005

**ATTORNEYS FOR THIRD-PARTY
DEFENDANT AMERICAN ZURICH
INSURANCE COMPANY**

Dated: January 21, 2014

By: *Marianne May /mr*
CLYDE & CO. US LLP
Marianne May, Esq.
200 Campus Drive, Suite 300
Florham Park, NJ 07932

**ATTORNEYS FOR THIRD-PARTY
DEFENDANT ILLINOIS UNION
INSURANCE COMPANY**

SO ORDERED this 24th day of January,
2013.

K. M. Karas
The Honorable Kenneth M. Karas
United States District Judge